

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83649 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Chhote Lal Paswan Son of Dilip Paswan Resident of Village - Mirzapur, Ward
No.- 7, P.S.- Patori, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of
Patori Police Station Case No. 410 of 2023, dated
20.06.2023, disclosing offence under Sections 30(a) (d) of
the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report,
is that the police raided the shop of the petitioner and
recovered 60 litres of illicit liquor from the said shop of
the petitioner.
4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to
ulterior motive. He further submits that the petitioner is
not the owner of the shop, in question and his name
transpired in this case on the basis of disclosure made by



the villagers.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the shop of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same date, without being prejudiced by the rejection of the present anticipatory bail application of the petitioner by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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